

### Remarks

Entry of the amendments, reconsideration of the application, as amended, and allowance of all pending claims are respectfully requested. Upon entry of the amendments, claims 1-11, 16-26, 31, and 33-43 and 48-51 are pending.

Claim 23 has been amended to correct a typographical error, and claims 48-51 have been added to explicitly define a pluggable delivery manager, in one example. Support for the amendments can be found throughout the Specification (e.g., paragraph 27, page 8; paragraph 45, page 14). Thus, no new matter is added.

In the Office Action, dated October 4, 2004, it is indicated that restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11, 16-26, 31 and 33-43; and
- II. Claims 12-15, 27-30, 32, and 44-47.

During a telephone conference with Examiner Jacobs on Monday, September 20, 2004, provisional election was made without traverse to prosecute the invention of claims 1-11, 16-26, 31 and 33-43. Although applicants hereby affirm this election, applicants are not acquiescing to the reasons for the restriction requirement provided in the Office Action. Applicants affirm this election in furtherance of prosecution of this application. Applicants are canceling claims 12-15, 27-30, 32, and 44-47, without prejudice, and will file a divisional application to include that claimed subject matter. The canceling of the claims does not affect inventorship.

Claims 1-11, 16-26, 31 and 33-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Shavit et al. (U.S. Patent Application Publication No. 2002/0160757). Applicants respectfully, but most strenuously, traverse this rejection for the reasons herein.

In one aspect, applicants' invention is directed to instant messaging, and in particular, to providing a messaging environment in which configurable, pluggable delivery managers are used to route instant messages to intended recipients. The delivery managers are pluggable, and thus, by definition, can be dynamically added at runtime without restarting the system. That is, the

code of a delivery manager can be dynamically added at runtime (see, e.g., paragraph 27, page 8 of applicants' specification).

As one particular example, applicants claim a method of routing instant messages. The method includes, for instance, defining, at runtime by a pluggable delivery manager, a delivery policy to be used to route an instant message to an intended recipient of the instant message, wherein the delivery policy is based upon a configuration of the pluggable delivery manager, a user configuration of the intended recipient, and one or more available delivery mechanisms; and routing the instant message to the intended recipient using the delivery policy. Thus, in this aspect of applicants' claimed invention, the delivery manager that is configured and used to define a delivery policy used to route an instant message is pluggable. That is, the code of the delivery manager can be dynamically added at runtime. This is very different from the teachings of Shavit.

While Shavit has a delivery manager, the delivery manager of Shavit is not pluggable. The code of Shavit is not dynamically installed at runtime, as defined by pluggable and as claimed by applicants. Instead, in Shavit, the code is installed during application installation time, which is prior to runtime and requires a restart of the system. In contrast, in applicants' claimed invention, the code is pluggable (i.e., dynamically added at runtime without requiring a restart). This is a significant advantage, since it provides extendibility, configurability and flexibility for the messaging system above and beyond what can be provided by the system of Shavit. For example, by providing a capability that enables the use of a pluggable delivery manager, a framework for message delivery is provided that allows the use of varied and very different pluggable delivery managers, each one being able to be plugged in at runtime, when desired. Each of these pluggable delivery managers can have associated therewith very different delivery policies than those policies of other delivery managers. This flexibility is not provided in a system, such as Shavit, that has one installed delivery manager, even if that delivery manager can select different routes. This flexibility of being able to use drastically different delivery managers with a variety of different policies is provided, however, by applicants' invention in which a delivery manager with the desired characteristics can be plugged in at runtime.

Support for the rejection is indicated at paragraphs 33 and 68 of Shavit. However, those paragraphs fail to describe, teach or suggest pluggable delivery managers. Paragraph 033 merely describes that a delivery mechanism is provided, but, there is no discussion of that delivery mechanism being pluggable. The delivery mechanism of Shavit is not pluggable.

Similarly, paragraph 68 describes performing media transformation, if the system allows. However, there is no discussion or suggestion of pluggable code. This is missing from Shavit.

Since Shavit fails to describe, teach or suggest a pluggable delivery manager, it follows that Shavit also fails to describe, teach or suggest defining, at runtime, by a pluggable delivery manager, a delivery policy to be used to route an instant message. Additionally, Shavit fails to describe, teach or suggest, a delivery policy based upon a configuration of a pluggable delivery manager. Since Shavit fails to describe, teach or suggest a pluggable delivery manager, Shavit fails to describe, teach or suggest one or more aspects of applicants' claimed invention. Thus, applicants respectfully request an indication of allowability for independent claim 1, as well as the other independent claims.

The dependent claims are allowable for the same reasons as the independent claims, as well as for their own additional features.

Based on the foregoing, applicants respectfully request an indication of allowability for all pending claims.

Should the Examiner wish to discuss this case with applicants' attorney, please contact applicants' attorney at the below listed number.

Respectfully submitted,

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